

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ADONNA FROMETA,

Plaintiff,

-against-

MARIO E. DIAZ-DIAZ, ALL AMERICAN HAULERS  
RECYCLING

Defendants.  
-----X

Index No.: 07CIV6372

**NOTICE OF REJECTION OF  
DEFENDANTS' RULE 26  
EXPERT WITNESS  
DISCLOSURE**

PLEASE TAKE NOTICE that the Plaintiff, ADONNA FROMETA, does hereby reject defendants' purported Rule 26 Expert Witness Disclosure dated April 8<sup>th</sup> and April 9<sup>th</sup>, 2008, apprising Plaintiff of defendants' intent to call Lewis M. Rothman, MD and Edward S. Crane, MD as experts at the time of trial.

Please be further advised that Plaintiff hereby rejects defendants' Rule 26 Expert Witness Disclosure as improper as it fails to fully comport with the requirements of the Federal Rules of Civil Procedure 26(2)(B) and 26 (2)(C). Moreover, as such Plaintiff will object to Lewis M. Rothman, MD and Edward S. Crane, MD testifying at the time of trial.

Dated: New York, New York  
April 14, 2008



Slawek W. Platta, Esq. (SP 2699)  
SLAWEK W. PLATTA, PLLC  
Attorneys for Plaintiff  
42 Broadway, Suite 1927  
New York, New York 10004  
(212)514-5100

To:

WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP  
Attorneys for Defendants  
MARIO E. DIAZ-DIAZ, ALL AMERICAN HAULERS RECYCLING  
150 East 42<sup>nd</sup> Street  
New York, New York 10017-5639  
212-490-3000

**AFFIRMATION OF SERVICE**

STATE OF NEW YORK     )  
                                      ) s.s.:  
COUNTY OF NEW YORK    )

Slawek W. Platta, an attorney admitted to practice law before the courts of the State of New York affirms the following under penalties of perjury, pursuant to CPLR 2106:

That affirmant is not a party to this action and is over the age of 18 years.

That on April 14, 2008, affirmant served the within **Notice of Rejection of Defendants' FRCP Rule 26 Expert Witness Disclosures** upon the defendant(s) and/or attorney(s) for defendant(s) by depositing a true copy of same securely enclosed in a postpaid wrapper in a post office, official depository under the exclusive care and custody of the United States Postal Service within the state of New York, directed to said individuals or offices as follows:

**WILSON ELSEER MOSKOWITZ, EDELMAN & DICKER, LLP**  
150 E 42<sup>ND</sup> STREET  
NEW YORK, NY 10017-5639

these being the respective addresses within the State designated by them for that purpose upon the preceding papers in this action or the respective place where they kept an office between which places there then was and now is a regular communication by mail.

  
\_\_\_\_\_  
SLAWEK W. PLATTA

UNITED STATES DISTRICT COURT  
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**Notice of Rejection of Defendants' FRCP Rule 26 Expert Witness Disclosures**

SLAWEK W. PLATTA, PLLC  
*Attorneys for:* Plaintiff  
42 Broadway, Suite 1927  
New York, New York 10004  
(212) 514-5100

Service of a copy of the within is hereby admitted.  
Dated, \_\_\_\_\_ Plaintiff  
Attorney(s) for

PLEASE TAKE NOTICE:

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of an \_\_\_\_\_ duly entered in the office of  
the clerk of the within named court on \_\_\_\_\_ 200\_\_.

☐ NOTICE OF SETTLEMENT

that an order \_\_\_\_\_ of which the within is a true copy  
will be presented for settlement to the HON. \_\_\_\_\_ one of the judges of  
the  
within named Court, at \_\_\_\_\_ on  
200\_\_ at \_\_\_\_\_ O'clock \_\_.M.

Dated, April 14, 2008

Yours, etc.

SLAWEK W. PLATTA, PLLC

**CERTIFICATION**

I hereby certify that the foregoing **Notice of rejection of Defendants' FRCP Rule 26 Disclosures** are true. I am aware that if any of the foregoing statements made by me are willingly false, I am subject to punishment.



\_\_\_\_\_  
Slawek W. Platta, Esq. (SP 2699)

Sworn to before me on this  
April 14, 2008

  
Notary Public

KIMBERLY JACOBS  
Notary Public New York State  
No. 02JA6171157  
Qualified in Queens County  
My Commission Expires 7/23/20 | 